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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/644,138

08/20/2003

Daniel T. Yost

30130-RA

6483

30184

7590

03/31/2006

MYERS & KAPLAN, INTELLECTUAL PROPERTY LAW, L.L.C.

1899 POWERS FERRY ROAD

SUITE 310

ATLANTA, GA 30339

EXAMINER

FIGUEROA, FELIX O

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,138

Applicant(s)

YOEST, DANIEL T.

Examiner

Felix O. Figueroa

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 8, 9, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graves (US 4,484,185) in view of Tuttle (US 3,888,439) and Grosswendt (US 5,573,420).

Graves discloses a power cord plug securing device, comprising: a clasp member (at end 52) for removably and securably retaining a power cord therein; the clasp member comprising a trough region (between 54,56) with retaining walls (54,56) extending therefrom; the trough region disposed along a first axis of orientation; a securing strap (48) proximate from a base region underlying the trough region and disposed along an axis of orientation parallel to the first axis of orientation; the securing strap oriented for underlying the power cord plug when in use.

Graves discloses substantially the claimed invention except for the hole to receive a screw. Tuttle teaches a through-hole (30) formed through the securing strap (12), the through-hole adapted to receive a screw for removable attachment of the device to a respective supporting part to allow connection to different mating parts. Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to form the strap of Graves with a through-hole, as taught by Tuttle, to allow connection to different mating parts.

Graves, as modified, discloses substantially the claimed invention except for the clasp member being block-shaped; and the specific through region. Grosswendt teaches the use of an essentially inflexible clasp block member (10/20) with a through region comprising a truncated cylindrical bottom portion and approximately vertically disposed retaining walls, the clasp block member further comprising an open region disposed approximated opposite the cylindrical bottom portion and centrally between the retaining walls, the open region forming an elongated channel, and a securing strap (26) underlying the clasp block member. This retaining structure is an art recognized equivalent structure for the retaining structure of Graves. Therefore, because these two retaining structure were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute of the clasp block member of Grosswendt for the clasp member of Graves to allow easy removal of the clasp member from the power cord while providing a secure and stronger retention.

Regarding claim 2, Graves, as modified, discloses the clasp member being adapted to removably engage and securely retain a portion of the power cord immediately aft of the plug head when attached thereto.

Regarding claim 3, Grosswendt discloses the clasp member being substantially U-shaped (when connected to the power cord).

Regarding claim 4, Grosswendt shows (in Fig.5) retaining walls terminating in inwardly projecting ends for securely maintaining the portion of the power cord immediately aft of the plug head within a trough region.

Regarding claim 6, Graves, as modified, discloses a first end of the securing strap being integrally formed with said clasp member.

Regarding claim 8, Graves, as modified, discloses the through-hole being opposingly positioned from the clasp member on said securing strap.

Regarding claim 9, Tuttle discloses a plurality of through-holes.

Regarding claims 18 and 19, Graves, as modified by Tuttle and Grosswendt, discloses the claimed method.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graves, Tuttle and Grosswendt, and further in view of Cross (US 5,211,573).

Graves, as modified, discloses substantially the claimed invention except for ribbed or textured walls. Cross teaches the use of ribbed or textured walls (80) to provide a friction fit (col.4, lines 53-55). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use ribbed or textured walls, as taught by Cross, to provide a friction fit, thus improving retention.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graves, Tuttle and Grosswendt, and further in view of Laherty (US 5,547,390).

Graves, as modified, discloses substantially the claimed invention except for the integral strap and cover plate. Laherty teaches (in Fig.5) a securing member with a second end of the strap being integral with a cover plate. This arrangement reduces the

securing time between the plug and mating device. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the strap of Graves integral with a cover plate, as taught by Laherty, to reduce the securing time between the plug and mating device.

Claims 10-16 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (US 6,033,251) in view of Grosswendt.

Cook discloses a power cord plug securing device (Fig.1), comprising; a first clasp member (left side) for removably and securably retaining a first power cord (26) therein; a second clasp member (right side) for removably and securably retaining a second power cord therein; and a securing strap (34) extending proximate between a base region underlying the trough region of the first clasp member and a base region underlying the trough region of the second clasp member.

Cook discloses substantially the claimed invention except for the clasp member being block-shaped; and the specific through region. Grosswendt teaches the use of an essentially inflexible clasp block member (10/20) with a through region, the trough region disposed along a first axis of orientation corresponding with an axis of the power cord and comprising a truncated cylindrical bottom portion and approximately vertically disposed retaining walls, the clasp block member further comprising an open region disposed approximated opposite the cylindrical bottom portion and centrally between the retaining walls, the open region forming an elongated channel, and a securing strap (26) underlying the clasp block member, disposed along an axis of orientation parallel to the first axis of orientations and underlying the power cord plug. This retaining structure

is an art recognized equivalent structure for the retaining structure of Cook. Therefore, because these two retaining structure were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute of the clasp block member of Grosswendt for the clasp member of Cook to allow easy removal of the clasp member from the power cord while providing a secure and stronger retention and facilitate manufacturing of the securing device.

Regarding claim 11, Cook discloses the securing device adapted to maintain the first power cord in electrical engagement with the second power cord (Fig.3).

Regarding claim 12, Cook discloses a through-hole (12) formed through the securing strap, the through-hole adapted to receive an electrical outlet cover plate screw (32) for removable attachment of the device to an electrical outlet cover plate.

Regarding claim 13, Cook discloses at least one of the first and second clasp members is adapted to maintain electrical engagement of a plug head of at least one of the first and second power cords with an electrical outlet (Fig.4).

Regarding claim 14, Cook discloses the first clasp member being adapted to removably engage and securely retain a portion of the first power cord immediately aft of a plug head attached thereto, and wherein the second clasp member is adapted to removably engage and securely retain a portion of the second power cord immediately aft of a plug head attached thereto.

Regarding claim 15, Cook, as modified by Grosswendt, discloses the first and second clasp members are substantially U-shaped.

Regarding claim 16, Grosswendt shows the retaining walls terminating in inwardly projecting ends for securely maintaining the portion of the power cord immediately aft of the plug head within a trough region.

Regarding claims 18-23, Cook, as modified by Grosswendt, discloses the claimed method.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook and Grosswendt, and further in view of Cross (US 5,211,573).

Cook, as modified, discloses substantially the claimed invention except for ribbed or textured walls. Cross teaches the use of ribbed or textured walls (80) to provide a friction fit (col.4, lines 53-55). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use ribbed or textured walls, as taught by Cross, to provide a friction fit.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Please note that the term "essentially inflexible" is broad enough as to encompass the clasp block member taught by Grosswendt.

Conclusion


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (571) 272-2003. The examiner can normally be reached on Mon.-Fri., 10:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 Ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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THO D. TA
PRIMARY EXAMINER